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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,086	01/20/2004	David A. Rhein	46194	7149

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,086

Applicant(s)

RHEIN ET AL.

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10-12, 14, 15, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7, 13, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 20 are pending in the case and are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Marchand et al. [US 6,242,708].

Marchand et al. disclose a circuit recloser comprising:

- a vacuum interrupter [26] including a primary contact and a movable contact movable relative to the primary contact between a closed position allowing current to pass through the circuit interrupter and an open position separating the contacts and preventing current from passing through said circuit interrupter [Column 3, lines 52 +];
- an actuator [40] coupled to the circuit interrupter and including a movable shaft, coupled to the movable

contact for substantially simultaneous movement therewith and without insulation being disposed between the movable contact and said movable shaft [Figure 3A; Column 4, lines 1-25];

- an electronic control electrically connected to the actuator, the electronic control communicating with the actuator upon occurrence of a fault current to trigger the shaft to move the movable contact of the circuit interrupter from the closed position to said open position and to trigger the shaft to reclose the movable contact from the open position to the closed position upon termination of the fault current [Figure 2; Column 6, lines 62-64; Columns 7-8];
- a dielectric housing [34] and a housing [24] with the actuator [Figure 1];
- first and second terminals electrically connected to the circuit interrupter and electronic control [36, 38 Figures 1 and 2].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchand et al. [US 6,242,708].

Regarding Claim 5, Marchand et al. disclose the instant claimed invention except for the electronic control located in the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the electronic control in the housing, in order to reduce size of the recloser.

Regarding Claim 9, Marchand et al. disclose the instant claimed invention except for the particular fasten between the moveable contact and the shaft. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the threaded connection between the moveable contact and the shaft, since it was known in the art to have threaded connection between two details in order to provide reliable connection..

Regarding Claim 11, Marchand et al. disclose the instant claimed invention except for a rotatable handle mechanism and the electronic control being electrically connected to each of the actuator and the handle mechanism. Borkan discloses a power manageable circuit breaker having a rotatable handle mechanism 22, Column 3, lines 53 –68; Column 4, lines 5 – 24] and the electronic control [36] being electrically connected to each of the actuator and the handle mechanism [Column 4, lines 55 – 63]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the handle mechanism and the electronic control electrically connected to each of

the actuator and the handle mechanism in Marchand et al., as suggested by Borkan, in order to control operation of contacts of the circuit breaker.

Regarding Claims 12 and 17, Marchand et al. disclose a circuit recloser comprising a vacuum interrupter [26] including a primary contact and a movable contact movable relative to the primary contact between a closed position allowing current to pass through the circuit interrupter and an open position separating the contacts and preventing current from passing through said circuit interrupter [Column 3, lines 52 +]; an actuator [40] coupled to the circuit interrupter and including a movable shaft, coupled to the movable contact for substantially simultaneous movement therewith and without insulation being disposed between the movable contact and said movable shaft [Figure 3A; Column 4, lines 1 25].

Regarding Claim 20, Marchand et al. disclose the instant claimed invention except for the electronic control electrically connected to the handle mechanism through switches. Borkan discloses the electronic control electrically connected to the handle mechanism through switch [50, Figures 3 and 4]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the electronic control electrically connected to the handle mechanism through switches in Marchand et al., as suggested by Borkan, in order to control operations of the breaker.

Allowable Subject Matter

4. Claims 4, 6, 7, 13, 16, 18, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

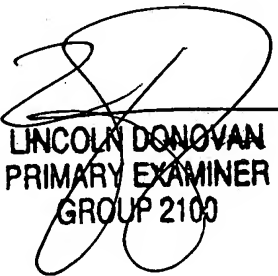
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
May 17, 2004


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100